



PATENT
Attorney Docket No.: DERM1120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nicholas R. Benson
Application No.: 10/816,457
Filed: March 31, 2004
Title: TAPE STRIPPING METHODS FOR ANALYSIS OF SKIN DISEASE AND
PATHOLOGICAL SKIN STATE

Art Unit: 1636
Examiner: Not Yet Assigned
Conf. No.: 1043

Mail Stop MISSING PARTS

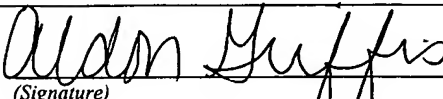
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed July 14, 2004, enclosed are:

1. One (1) copy of the Notice to File Missing Parts of Nonprovisional Application mailed July 14, 2004 (3 pages);
2. Petition for One (1) Month Extension of Time (2 pages);
3. Preliminary Amendment (11 pages);
4. One (1) executed Declaration For Patent Application (3 pages);
5. One (1) Power of Attorney by Assignee (2 pages);
6. Check No. 567519 in the amount of \$989.00; and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, October 7, 2004 , in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Aldon Griffis (Name of Person Mailing Paper)	
 (Signature)	October 7, 2004 (Date)

In re Application of:
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Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

Pursuant to our conversation of October 6, 2004 with Ms. Durham of the Office of Initial Patent Examination, we have not included replacement compact discs with this Response to the Notice to File Missing Parts. Ms. Durham confirmed that our office submitted a hard copy of the 182-page appendix table, which has been scanned by the USPTO. The filing of a table that has more than 50 pages on compact disc is optional pursuant to CFR §1.52 (e). As a consequence, we are not submitting a duplicate set of compact discs since the hard copy has been scanned and fulfills the requirement.

The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	58-20	=	38	X	\$09	\$18	=	\$342.00	\$.00
Independent Claims	6-3	=	3	X	\$44	\$88	=	\$132.00	\$.00
Multiple Dependent Claims Presented: ____ Yes ____X____ No					\$150	\$300		\$.00	\$.00
					BASIC FEE			\$ 395.00	\$ 790.00
					SURCHARGE FEE			\$ 65.00	\$ 130.00
					TOTAL FEE			\$ 934.00	

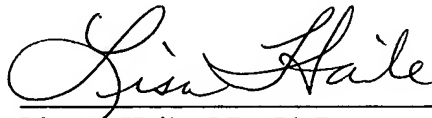
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Enclosed is Check No. 567519 in the total amount of \$989.00; which consists of \$395.00 for the filing fee, \$342.00 for the fee for 38 claims in excess of 20 claims, \$132.00 for the fee for 3 independent claims in excess of 3 independent claims, \$65.00 for the late filing fee/declaration surcharge fee and \$55.00 for the One (1) Month extension of time fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: October 7, 2004



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

JPW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/816,457	03/31/2004	Nicholas R. Benson	DERM1120

CONFIRMATION NO. 1043

FORMALITIES LETTER



OC000000013237643

28213
 GRAY CARY WARE & FREIDENRICH LLP
 4365 EXECUTIVE DRIVE
 SUITE 1100
 SAN DIEGO, CA 92121-2133

Date Mailed: 07/14/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/13/2004 RHEBRAHT 00000003 10816457

01 FC:2001	395.00 OP
02 FC:2202	342.00 OP
03 FC:2201	132.00 OP
04 FC:2051	65.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$2900** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$3800** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$2900
 - \$1118 for 13 independent claims over 3.
 - \$1782 for 99 total claims over 20.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- *This application is objected to because it contains a data file on compact disc, which is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs (see 37 CFR 1.52(e)). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.*

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Volume in drive C:\ is 340001_0000
Directory of E:\

6392999.xls 1337 KB 3/31/04

1 file(s)
Total filesize 1337 KB
0 kilobytes free